

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1654 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANSUKHBHAI GOVINDBHAI KATARIYA

Versus

JAYABEN D/O DHELABHAI MOHANLALMAKWANA

Appearance:

MR BP DALAL for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/11/98

ORAL JUDGEMENT

#. By this civil revision application the husband-petitioner, herein, is challenging the order of the City Civil Court No.6, Ahmedabad, dated 30th September 1997, below ex.10, in H.M.P. No.421/96, under which the application filed by the wife-respondent has been partly allowed and instead of Rs.320/= p.m., the petitioner is directed to pay Rs.600/= p.m. towards

maintenance to the wife. Another direction has been given for payment of Rs.2500/= towards miscellaneous expenses of the litigation.

#. The learned counsel for the petitioner raised twofold contentions in this case. It is contended that while fixing the amount of maintenance under Section 24 of the Hindu Marriage Act, the Court has not taken into notice the fact that the wife was getting Rs.320/= p.m. as maintenance under Section 125 of the Cr.P.C.. It has next been contended that the income of the husband has not correctly been taken. Lastly, it is contended that the amount awarded of Rs.2500/= towards expenses of litigation is also towards higher side.

#. I do not find any substance in either of the contentions raised by learned counsel for the petitioner. From the reading of the order of the learned trial Court, I find that the husband-petitioner has tried to conceal his real income. In fact, he has not coopearted before the Court to give out his correct income. He is doing the work in the Jupiter Traders but still he has not produced pay-slip etc. So in these circumstances it was difficult for the Court to find out what should have been his actual income.

#. Taking into consideration the totality of the facts of the case, the learned trial Court has not committed any error to reach to a just, adequate and reasonable amount to be awarded to the wife as interim maintenance in the proceedings under the Hindu Marriage Act. Looking to the fact and particularly the price of commodities prevailing in the country, this amount of maintenance awarded under the impugned order cannot be said to be towards higher side. On the contrary, it seems to be towards lower side. Even if it is taken that the Court means to award to the respondent-wife Rs.600/= in addition to Rs.320/= p.m. what she would get as maintenance under Section 125 of the Cr.P.C., still this amount of Rs.920/= is hardly sufficient to meet out the bare expenses of day-to-day life in these days. So far as the awarding of Rs.2500/= as expenses is concerned, it is also very reasonable amount which has been awarded to which no exception can be taken.

#. In the result, this civil revision application fails and the same is dismissed. Interim relief granted by this Court stands vacated. No order as to costs.

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(sunil)